

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

Case No.

CHRISTOPHER SADOWSKI,

Plaintiff,

1:22-cv-00887 (BKS/DJS)

v.

URBANSPOTLITE LLC,

Defendant.

COMPLAINT

Plaintiff Christopher Sadowski (“Plaintiff”) sues defendant Urbanspotlite LLC (“Defendant”), and alleges as follows:

THE PARTIES

1. Plaintiff is an individual who is a citizen of the State of New Jersey, who is residing in the State of New Jersey.

2. Defendant is a limited liability company organized and existing under the laws of the State of New York. Defendant’s agent for service of process is: eResidentAgent, Inc., 99 Washington Avenue, Suite 805A, Albany, NY 12210.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because it has maintained sufficient minimum contacts with New York such that the exercise of personal jurisdiction over

it would not offend traditional notions of fair play and substantial justice.

5. “A defendant ‘may be found’ wherever that person is amenable to personal jurisdiction.” Cavu Releasing, LLC. v. Fries, 419 F. Supp. 2d 388, 394 (S.D.N.Y. 2005). In other words, “[v]enue is proper in his District because the defendants are subject to personal jurisdiction in this District.” Noble v. Crazetees.com, 2015 U.S. Dist. LEXIS 130508, at *9 (S.D.N.Y. July 16, 2015).

FACTS

I. Plaintiff’s Business and History

6. Plaintiff is an award-winning photojournalist and is widely published in some of the world’s most important newspapers and magazines, including but not limited to, the New York Post, Daily Mail Online, Reader’s Digest, USA Today, New York Times, Fox News, CBS News, NBC News, Boston Globe, Boston Herald, Los Angeles Times, Newsweek Magazine, and People Magazine.

7. For the past eighteen (18) years, Plaintiff has been self-employed as a high-end photographer who specializes in photo-documenting ordinary life and the human condition.

8. Plaintiff travels throughout the New York, New Jersey and Connecticut tri-state area taking photographs that tell a story about tragedy, hope, calamity, joy, discord and renewal.

9. Using state-of-the-art equipment, Plaintiff creates high-end photography licensed by some of the top publishers in this County. When commissioned for a job, Plaintiff spends countless hours capturing hundreds of photographs and then processing those photographs to ensure they meet customers’ requirements.

10. Plaintiff maintains a commercial website (<http://www.csnyphoto.com>) which describes the photography services offered by Plaintiff, hosts a sample portfolio of photographs

taken by Plaintiff, and invites prospective customers to contact Plaintiff to arrange for a professional photo shoot.

11. Plaintiff owns the photographs and serves as the licensing agent with respect to licensing such photographs for limited use by Plaintiff's customers. To that end, Plaintiff's standard terms include a limited, one-time license for use of any particular photograph by the customer only. Plaintiff's license terms make clear that all copyright ownership remains with Plaintiff and that its customers are not permitted to transfer, assign, or sub-license any of Plaintiff's photographs to another person/entity.

II. The Work at Issue in this Lawsuit

12. In 2021, Plaintiff created a professional photograph titled "080721nypdarmpatch24CS" (the "Work") of a NYPD Officer's arm patch. A copy of the Work is exhibited below.



13. The Work was registered by Plaintiff with the Register of Copyrights on December 31, 2021 and was assigned Registration No. VA 2-288-279. A true and correct copy of the

Certification of Registration pertaining to the Work is attached hereto as **Exhibit “A.”**

14. Plaintiff is the owner of the Work and has remained the owner at all time's material hereto.

Defendant's Unlawful Activities

15. Defendant is a media platform and event promoter.

16. Defendant advertises/markets its business primarily through its website (<https://urbanspotlite.com/>), social media (e.g., <https://www.facebook.com/UrbanSpotlite/>), and other forms of advertising.

17. On March 10, 2022 (after Plaintiff's above-referenced copyright registration of the Work), Defendant published the Work on its website (at <https://urbanspotlite.com/blog/8356/off-duty-cop-arrested-for-beating-girlfriend/0/0>) in connection with a blog article titled “Off Duty Cop Arrested for Beating Girlfriend”:



18. A true and correct copy of the screenshot of Defendant's website, displaying the copyrighted Work, is attached hereto as **Exhibit "B."**

19. Defendant is not and has never been licensed to use or display the Work. Defendant never contacted Plaintiff to seek permission to use the Work in connection with its website or for any other purpose.

20. Defendant utilized the Work for commercial use – namely, as the main photo associated with one of its articles.

21. Upon information and belief, Defendant located a copy of the Work on the internet and, rather than contact Plaintiff to secure a license, simply copied the Work for its own commercial use.

22. Through his ongoing diligent efforts to identify unauthorized use of its photograph, Plaintiff discovered Defendant's unauthorized use/display of the Work on April 14, 2022. Following Plaintiff's discovery, Plaintiff notified Defendant in writing of such unauthorized use. To date, Plaintiff has been unable to negotiate a reasonable license for the past infringement of his Work.

23. All conditions precedent to this action have been performed or have been waived.

COUNT I – COPYRIGHT INFRINGEMENT

24. Plaintiff re-alleges and incorporates paragraphs 1 through 23 as set forth above.

25. The Work is an original work of authorship, embodying copyrightable subject matter, that is subject to the full protection of the United States copyright laws (17 U.S.C. § 101 *et seq.*).

26. Plaintiff owns a valid copyright in the Work, having registered the Work with the Register of Copyrights and owning sufficient rights, title, and interest to such copyright to afford

Plaintiff standing to bring this lawsuit and assert the claim(s) herein.

27. As a result of Plaintiff's reproduction, distribution, and public display of the Work, Defendant had access to the Work prior to its own reproduction, distribution, and public display of the Work on its website.

28. Defendant reproduced, distributed, and publicly displayed the Work without authorization from Plaintiff.

29. By its actions, Defendant infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing, distributing, and publicly displaying the Work for its own commercial purposes.

30. Defendant's infringement was willful as it acted with actual knowledge or reckless disregard for whether its conduct infringed upon Plaintiff's copyright. Notably, Defendant itself utilizes a copyright disclaimer on its website ("Copyright (C) (2022) URBANSPOTLITE All rights reserved"), indicating that Defendant understands the importance of copyright protection and intellectual property rights. Further, as a publisher of digital media content, Defendant clearly understands that professional photography such as the Work is generally paid for and cannot simply be copied from the internet.

31. Plaintiff has been damaged as a direct and proximate result of Defendant's infringement.

32. Plaintiff is entitled to recover his actual damages resulting from Defendant's unauthorized use of the Work and, at Plaintiff's election (pursuant to 17 U.S.C. § 504(b), Plaintiff is entitled to recover damages based on a disgorgement of Defendant's profits from infringement of the Work, which amounts shall be proven at trial.

33. Alternatively, and at Plaintiff's election, Plaintiff is entitled to statutory damages

pursuant to 17 U.S.C. § 504(c), in such amount as deemed proper by the Court.

34. Pursuant to 17 U.S.C. § 505, Plaintiff is further entitled to recover his costs and attorneys' fees as a result of Defendant's conduct.

35. Defendant's conduct has caused, and any continued infringing conduct will continue to cause, irreparable injury to Plaintiff unless enjoined by the Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's exclusive rights under copyright law.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- a. A declaration that Defendant has infringed Plaintiff's copyrights in the Work;
- b. A declaration that such infringement is willful;
- c. An award of actual damages and disgorgement of profits as the Court deems proper or, at Plaintiff's election, an award of statutory damages for willful infringement up to \$150,000.00 for each infringement of the Work;
- d. Awarding Plaintiff his costs and reasonable attorneys' fees pursuant to 17 U.S.C. § 505;
- e. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- f. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights or continuing to display, transfer, advertise, reproduce, or otherwise market any works derived or copied from the Work or to participate or assist in any such activity; and
- g. For such other relief as the Court deems just and proper.

Demand For Jury Trial

Plaintiff demands a trial by jury on all issues so triable.

Dated: August 25, 2022.

COPYCAT LEGAL PLLC
3111 N. University Drive
Suite 301
Coral Springs, FL 33065
Telephone: (877) 437-6228
dan@copycatlegal.com

By: /s/ Dan DeSouza
Daniel DeSouza, Esq.

EXHIBIT “A”

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

United States Register of Copyrights and Director

Registration Number

VA 2-288-279

Effective Date of Registration:

December 31, 2021

Registration Decision Date:

February 25, 2022

Copyright Registration for a Group of Published Photographs

Registration issued pursuant to 37 C.F.R. § 202.4(i)

For Photographs Published: September 30, 2021 to December 30, 2021

Title

Title of Group: 2021-Q4 Photo Collection
Number of Photographs in Group: 375

- **Individual Photographs:** 080721nypdarmpatch15CS
Published: September 2021
- **Individual Photographs:** 011217fort27CS,
 040821emptystreets17CS,
 040821emptystreets20CS,
 040821emptystreets24CS,
 041718whatsapp5CS,
 042620nypdsubstation2CS,
 051421columbus7CS,
 051421subwayfacemask37CS,
 052021carriagehorse7CS,
 052921consumerspensing1CS,
 053121covidvaccinecard2CS,
 060619fdrdrive8CS,
 061820criminalcourt6CS,
 061820criminalcourt17CS,
 061821amazonprime7CS,
 062219taxi5CS,
 062520outdoordining1CS,
 062520outdoordining8CS,
 071218metronorth32CS,
 072419precinct7CS,
 080620lirr5CS,
 080620trainseats4CS,
 080721nypdarmpatch24CS,
 081317bwb19CS,
 081317nabisco1CS,
 081419tollplaza6CS,
 081921catalytic2CS,
 090221stabbing3CS,
 090420fourtimesquare1CS,
 091521shooting16CS,

091521shooting25CS,
091521shooting26CS,
091521studentmask3CS,
091521studentmask6CS,
091721carminesvax17CS,
092321cruiseships5CS,
092921party3CS,
092921party6CS,
092921party9CS,
093021helpwanted3CS,
100321crash3CS,
100321crash6CS,
100321crash8CS,
100321shooting5CS,
100520stimulus4CS,
100621doubleshooting8CS,
100621doubleshooting9CS,
100621doubleshooting15CS,
100621doubleshooting17CS,
100721bicycliststruck7CS

Published: October 2021

- **Individual Photographs:** 100721bicycliststruck9CS,
100721party1CS,
100721party12CS,
100821fire1CS,
100821fire3CS,
100921employment2CS,
100921interview3CS,
101021kardashian1CS,
101121nowhiring8CS,
101321immigrants1CS,
101321immigrants2CS,
101321immigrants3CS,
101321immigrants4CS,
101321immigrants5CS,
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101321immigrants28CS,
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 101321immigrants36CS,
 101321immigrants37CS,
 101321immigrants38CS,
 101321immigrants39CS,
 101321immigrants40CS,
 101321immigrants41CS

Published: October 2021

- **Individual Photographs:** 101421immigrants1CS,
 101421immigrants2CS,
 101421immigrants3CS,
 101421immigrants4CS,
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101421immigrants44CS,
101521immigrants1CS,
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101521immigrants3CS,
101521immigrants4CS,
101521immigrants5CS,
101521immigrants6CS

Published: October 2021

- **Individual Photographs:** 101521immigrants7CS,
101521immigrants8CS,
101521immigrants9CS,
101521immigrants10CS,
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101521immigrants46CS,
101621wedding60CS,
101621wedding63CS,
101621wedding76CS,
101621wedding77CS,
101621wedding78CS,
102321pcti9CS,
102821ciattarelli20CS,
110520embrace3CS,



111919uscourthouse36CS,
121020outdoordining10CS
Published: October 2021

- **Individual Photographs:** 010510arenas13CS,
012419lirr5CS,
020820pressconference39CS,
032321homedepot2CS,
032918fedexups4CS,
040518uft9CS,
041821amazonprime1CS,
042719westsideyard2CS,
052020highwaypatrol7CS,
060221apartments4CS,
061221vaccinecard2CS,
061319construction7CS,
071218metronorth34CS,
071317bus43CS,
071620shooting10CS,
071707_Steakhouse_6CS,
080919lottery10CS,
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090216barclays6CS,
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Published: November 2021

- **Individual Photographs:** 011217beach1CS,
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 051920stimuluscheck29CS,
 062118southwest3CS,
 062219garbagetruck4CS,
 070921apartment2CS,
 071217subway17CS,
 083018nycha2CS,
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 100520money6CS,
 100817sculpture1CS,
 101021kardashian15CS,
 101417stop3CS,
 102118schoolbus24CS,
 111821cashman2CS,
 111821cashman6CS,
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 120221stabblingspree21CS

Published: December 2021

- **Individual Photographs:** 120221stabblingspree22CS,
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122221covidrestaurant5CS,
122221covidrestaurant9CS,
122221covidrestaurant14CS,
122221covidrestaurant20CS,
122221shooting4CS,
122221shooting8CS,
122921elfonshelf9CS

Published: December 2021

Completion/Publication

Year of Completion: 2021
Earliest Publication Date in Group: September 30, 2021
Latest Publication Date in Group: December 30, 2021
Nation of First Publication: United States

Author

- Author:** Christopher Sadowski
Author Created: photographs
Work made for hire: No
Citizen of: United States
Domiciled in: United States
Year Born: 1982

Copyright Claimant

Copyright Claimant: Christopher Sadowski
96 9th Avenue, Hawthorne, NJ, 07506, United States

Rights and Permissions

Name: Christopher Sadowski
Email: csnyphoto@gmail.com
Telephone: (973)650-5382
Address: 96 9th Avenue
Hawthorne, NJ 07506 United States

Certification

Name: Christopher Sadowski
Date: December 31, 2021

Copyright Office notes: Regarding title information: Deposit contains complete list of titles that correspond to the individual photographs included in this group.



Regarding group registration: A group of published photographs may be registered on one application with one filing fee only under limited circumstances. ALL of the following are required: 1. All photographs (a) were created by the same author AND (b) are owned by the same copyright claimant AND (c) were published in the same calendar year AND 2. The group contains 750 photographs or less AND 3. A sequentially numbered list of photographs containing the title, file name and month of publication for each photograph included in the group must be uploaded along with other required application materials. The list must be submitted in an approved document format such as .XLS or .PDF. The file name for the numbered list must contain the title of the group and the Case Number assigned to the application.

Exhibit “B”



TEXT DIRECTLY TO FANS & CLIENTS.
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• BACK



OFF DUTY COP ARRESTED FOR BEATING GIRLFRIEND

TARIK LAWRENCE / Gossip & News / Mar 10th, 2022 / 0 COMMENTS



An off-duty NYPD cop has been suspended without pay for beating his girlfriend in Brooklyn.

Steven Dulcey thought it would be cool to grab his girlfriend by the neck, punch her in the ribs, hit her in the face, and more during an argument. Everything took place around 2 a.m. He was arrested Wednesday and charged with assault.

Tags: OFF DUTY COP, domestic violence

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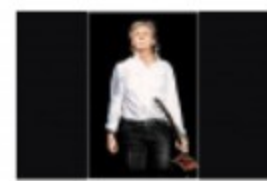
Saturday Jun, 25 2022
Collie Buddz On Tour 20
(Florida, Boca Raton)



Saturday Jul, 09 2022
New Kids On The Block:
(Florida, Sunrise)



Friday Jun, 03 2022
Tech N9ne Tickets
(Florida, Fort Lauderdale)



Wednesday May, 25 2022
Paul McCartney: "Got
(Florida, Fort Lauderdale)

Latest Videos



HoodCelebrity At Gramercy Theatre
April 23 2022 Part 1...



HoodCelebrity At Gramercy Theatre
April 23 2022 Part 2...



HoodCelebrity Performs at Baltimore
Sound Stage April 21 20...



HoodCelebrity Performs at Baltimore
Sound Stage April 21 20...

Nearest Tours



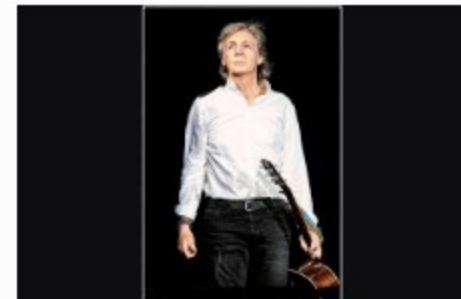
Saturday Jun, 25 2022
Collie Buddz On Tour 2022
(Florida, Boca Raton)



Saturday Jul, 09 2022
New Kids On The Block: The Mixtape
Tour
(Florida, Sunrise)



Friday Jun, 03 2022
Tech N9ne Tickets
(Florida, Fort Lauderdale)



Wednesday May, 25 2022
Paul McCartney: "Got Back" 2022
Tour
(Florida, Fort Lauderdale)

Leave a Comment

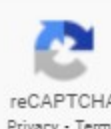
* Name



* Email (will not be published)

* Your comment here...

☐ I'm not a robot



SEND

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